IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

Bail Appl..No. 7301 of 2007(M)

CR.NO. 121/06 OF WANDOOR POLICE STATION

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PETITIONERS/2ND ACCUSED

MUJEEB RAHIMAN T., S/O. HAMEED,
THENARI HOUSE, P.O.POROOR, MALAPPURAM DISTRICT.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE WANDOOR,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7301 of 2007

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Dated this the 29th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioner is the second accused. He faces allegations along with the co-accused for offences punishable, inter alia, under Section 12 of the Indian Passport Act and Sections 468 and 471 I.P.C. The crux of the allegations is that a forged passport has been obtained for a minor child suppressing the fact that two other passports had already been procured in the name of the child. The petitioner had earlier come to this Court with a prayer for anticipatory bail and the same was disposed of by another Bench of this Court as per order dt. 3.7.2006 in B.A. 3626 of 2006. The petitioner had not complied with the directions given and has now come before this Court with a fresh application for anticipatory bail.

2. I do not find any valid reasons to invoke the extra ordinary equitable discretion in favour of the petitioner. It is for the petitioner to appear before the learned Magistrate and seek

regular bail. I am unable to find any features in this case, which would justify the invocation of the extra ordinary equitable discretion under Section 438 Cr.P.C. in favour of the petitioner at this late hour.

5. This application is accordingly dismissed. I may however hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously.

(R. BASANT)
Judge

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